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Attorneys for Creditor Select Portfolio Servicing, Inc.

THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

IN RE:

LAWRENCE AUGUSTUS GRIHALVA,
Debtor.

CASE NO.: BK-S-11-26893-MKN
CHAPTER: 7

NOTICE OF ENTRY OF ORDER
APPROVING SETTLEMENT

PLEASE TAKE NOTICE that on the 2nd day of March, 2015, an *Order Approving Settlement* was entered in the above-captioned case, a copy of which is attached hereto.

DATED this 17th day of March, 2015

HOLLAND & HART LLP

/s/ Lars K. Evensen

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CERTIFICATE OF SERVICE

1. On the 17th day of March, 2015 I served the following document(s) (*specify*):

NOTICE OF ENTRY OF ORDER APPROVING SETTLEMENT

2. I served the above-named document(s) by the following means to the persons as listed below: (*Check all that apply*)

☒ a. ECF System (*You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary*)

CHRISTOPHER PATRICK BURKE on behalf of Debtor LAWRENCE AUGUSTUS GRIHALVA
atty@cburke.lvcoxmail.com

LARS EVENSEN on behalf of Creditor SELECT PORTFOLIO SERVICING, INC.
agstajkowski@hollandhart.com, ecftevensen_bk@hollandhart.com; lkevensen@hollandhart.com

WILLIAM A LEONARD
biff7tte@mindspring.com, ca46@ecfcbis.com

SHERRY A. MOORE on behalf of Creditor Aurora Loan Services, LLC, its assignees and/or successors
BKNOTICE@MCCARTHYHOLTHUS.COM,
[NVBK COURT@MCCARTHYHOLTHUS.COM](mailto:NVBKCOURT@MCCARTHYHOLTHUS.COM)

SHERRY A. MOORE on behalf of Creditor NATIONSTAR MORTGAGE, LLC, ITS ASSIGNEES AND/OR SUCCESSORS
BKNOTICE@MCCARTHYHOLTHUS.COM,
[NVBK COURT@MCCARTHYHOLTHUS.COM](mailto:NVBKCOURT@MCCARTHYHOLTHUS.COM)

SHERRY A. MOORE on behalf of Creditor THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-HY2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HY2, ITS ASSIGNEES
BKNOTICE@MCCARTHYHOLTHUS.COM,
[NVBK COURT@MCCARTHYHOLTHUS.COM](mailto:NVBKCOURT@MCCARTHYHOLTHUS.COM)

SHERRY A. MOORE on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2007-HY2 Mortgage Pass- Through Certificates, Series 2007-HY2, its assignees
BKNOTICE@MCCARTHYHOLTHUS.COM,
[NVBK COURT@MCCARTHYHOLTHUS.COM](mailto:NVBKCOURT@MCCARTHYHOLTHUS.COM)

JAMES E. SHIVELY on behalf of Creditor USAA FEDERAL SAVINGS BANK
bkecf@poliball.com

HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor Las Vegas, NV 89134

ARIEL E. STERN on behalf of Creditor NATIONSTAR MORTGAGE, LLC, ITS ASSIGNEES AND/OR SUCCESSORS

ariel.stern@akerman.com,
christine.parvan@akerman.com; steven.shevorski@akerman.com; allison.schmidt@akerman.com;
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U.S. TRUSTEE - LV - 7

USTPRegion17.LV.ECF@usdoj.gov

GILBERT BERNATT WEISMAN on behalf of Creditor AMERICAN EXPRESS CENTURION BANK

notices@becket-lee.com

GILBERT BERNATT WEISMAN on behalf of Creditor ECAST SETTLEMENT CORPORATION

notices@becket-lee.com

☐ **b. United States mail, postage fully prepaid** (*List persons and addresses. Attach additional paper if necessary*)

☐ **c. Personal Service** (*List persons and addresses. Attach additional paper if necessary*)

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the documents(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the documents(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ **d. By direct email (as opposed to through the ECF System)** (*List persons and email addresses. Attach additional paper if necessary*)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By fax transmission** (*List persons and fax numbers. Attach additional paper if necessary*)

Based upon the written agreement of the parties to accept service by fax transmission or a court

1 order, I faxed the document(s) to the persons at the fax numbers listed below. No error was
2 reported by the fax machine that I used . A copy of the record of the fax transmission is attached.

3 ☐ f. **By messenger** (*List persons and addresses. Attach additional paper if*
4 *necessary*)

5 ☐ I served the document(s) by placing them in an envelope or package
6 addressed to the persons at the addresses listed below and providing them
7 to a messenger for service.

8 (*A declaration by the messenger must be attached to this Certificate of Service*).

9 **I declare under penalty of perjury that the foregoing is true and correct.**

10 **DATED this 17th day of March, 2015**

11 */s/ Alexis Stajkowski*

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SIGNATURE OF DECLARANT



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
March 02, 2015

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**THE UNITED STATES BANKRUPTCY COURT
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IN RE:

LAWRENCE AUGUSTUS GRIHALVA,

Debtor.

**CASE NO.: BK-S-11-26893-MKN
CHAPTER: 7**

**ORDER
APPROVING SETTLEMENT**

**Hearing Date: January 28, 2015
Hearing Time: 2:30 pm**

This Court called for hearing the matter of Debtor Lawrence A. Grihalva's Motion to Reopen Chapter 7 Case and to Hold Select Portfolio Servicing, Inc. in Contempt for Violating the Discharge Injunction under 11 U.S.C. §524(a)(2) and for Sanctions and Attorney Fees (the "Motion"). Select Portfolio Servicing, Inc. ("SPS") timely filed an Opposition to the Motion (the "Opposition") and the Debtor timely filed a Reply to SPS's Opposition. All pleadings were properly served.

Appearing on behalf of the Debtor was Christopher Burke, Esq., and appearing on behalf SPS was Lars Evensen, Esq. of the law firm Holland & Hart LLP. Upon calling the matter,

1 Counsel for the Debtor and SPS informed the Court they resolved the dispute. Counsel then put
2 on the record of the Court the proposed settlement between the parties as follow:

3 1) SPS, in consideration for the settlement of this dispute, shall pay \$7,500 to the Debtor
4 Lawrence A. Grihalva (the "Settlement Funds"). SPS shall pay the Debtor within 15-days after
5 the entry of this Order, by tendering said funds to Debtor's Counsel Christopher Burke, Esq.

6 2) SPS's entry into this settlement and the payment of the Settlement Funds shall not be
7 construed or deemed as an admission of any form by SPS.

8 3) The Debtor Lawrence A. Grihalva, in consideration for the settlement of this dispute,
9 shall make all reasonable efforts to assist SPS in exercising its remedies in connection with a
10 certain property, which is located at the common address of 56 E. Serene Ave Unit 120, Las
11 Vegas, Nevada 89123 (the "Property"). The Debtor's assistance may include, but is not limited
12 to, vacating the Property - including any tenants - within 15-days of a written request provided
13 to Debtor's Counsel Christopher Burke, Esq., the execution of a deed in lieu of foreclosure,
14 stipulation to a judicial foreclosure on the Property, and/or not take any act or action to delay or
15 disrupt any non-judicial foreclosure upon the Property.

16 4) SPS and Debtor Lawrence A. Grihalva shall mutually and generally release each other,
17 their agents, counsel, and affiliates, from any claims or actions arising from or related to the
18 subject of the Motion entitled Reopen Chapter 7 Case and to Hold Select Portfolio Servicing,
19 Inc. in Contempt for Violating the Discharge Injunction under 11 U.S.C. §524(a)(2) and for
20 Sanctions and Attorney Fees, other than the obligations set forth herein.

21 5) This Court shall retain jurisdiction to resolve any dispute by and between the Debtor
22 and SPS regarding their settlement agreement.

23 **THIS COURT** having consider the proposed settlement by and between Debtor and SPS
24 and for good cause appearing,

25 ///

1 **HEREBY ORDERS** the Debtor and SPS to comply with the settlement terms set forth
2 above; and

3 **FURTHER ORDERS**, the remainder of this matter is moot; and


4 **FINALLY ORDERS** SPS to prepare this Order setting for the said settlement.

5 **IT IS SO ORDERED.**

6 ###

7
8 Prepared and submitted by:

9 HOLLAND & HART LLP

10 
11 Lars K. Evensen
12 Nevada Bar No. 8061
13 Joseph G. Went
14 Nevada Bar No. 9220
15 9555 Hillwood Drive, 2nd Floor
16 Las Vegas, NV 89134

17 *Attorneys for Creditor Select Portfolio Servicing, Inc.*
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CERTIFICATION OF COUNSEL re: RULE 9021:

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ The court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

XX I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

###

ATTORNEY	APPROVED	DISAPPROVED	NO RESPONSE
Christopher Burke, Esq.	XX		

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

/s/ Lars Evensen

Lars K. Evensen, Esq. 8061

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